

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN AMES BROWN, et al.,

Plaintiffs,

No. C 08-02348 JSW

v.

No. C 09-03796 JSW

ANDREW B. STROUD, et al.,

No. C 11-05822 JSW

Defendants

**FURTHER ORDER TO SHOW
CAUSE AGAINST SCARLETT
STROUD, ANDY STROUD INC.
AND STROUD PRODUCTIONS
AND ENTERPRISES, INC.**

ANDREW B. STROUD, et al.,

Plaintiffs,

v.

CASTLE ROCK ENTERTAINMENT, et al.,

Defendants

LISA SIMONE KELLY,

Plaintiff,

v.

WALLY ROKER, et al.,

Defendants

On October 31, 2012, the Court issued an Order to Show Cause (“OSC”) against
Scarlett Stroud as the representative of the Estate of Andrew Stroud, Andy Stroud, Inc. (“ASI”)

1 and Stroud Productions and Enterprises, Inc. (“SPE”). The Court admonished ASI and SPE, as
2 corporations, cannot themselves in court. ASI and SPE were ordered to show cause by
3 November 21, 2012 whether they intend to find alternate counsel and, if not, why judgement
4 should not be entered against them on the claims against them and why their affirmative claims
5 should not be dismissed for failure to prosecute. Scarlett Stroud was admonished that an
6 attorney must represent a personal representative of an estate where the estate has multiple
7 beneficiaries and creditors. Ms. Stroud was ordered to show cause by November 21, 2012,
8 whether she intended to proceed *pro se* or through new counsel. If she intended to proceed *pro*
9 *se*, she was ordered to demonstrate that she is the sole beneficiary to the estate of Andrew
10 Stroud and that there are no other beneficiaries or creditors. The Court admonished Ms. Stroud
11 that her failure to timely respond to the Court’s OSC, and obtain new counsel if necessary,
12 would result in dismissal of the estate’s affirmative claims for failure to prosecute and judgment
13 being entered against the estate on the claims against it.

14 ASI, SPE and Ms. Stroud all failed to timely respond to the OSC. Accordingly,
15 sanctions are warranted, both due to these parties’ failure to respond and, based on their lack of
16 representation by counsel, their inability to proceed in Court. With respect to the claims against
17 ASI, SPE and the Estate of Andrew Stroud, the proper sanction is the striking of any answers
18 that have been filed and the entry of default against them. The initial OSC did not give
19 sufficient notice of this precise sanction. Accordingly, the Court is providing a further Order to
20 Show Cause (“Further OSC”) to ASI, SPE and Ms. Stroud as the representative of the Estate of
21 Andrew Stroud.

22 ASI, SPE and Ms. Stroud are each Ordered to Show Cause in writing by no later than
23 February 5, 2013 why the answers filed by ASI, SPE, and Andrew Stroud should not be stricken
24 and default be entered against ASI, SPE, and the Estate of Andrew Stroud. ASI, SPE, and
25 Scarlett Stroud are admonished that their failure to respond to this OSC by February 5, 2013
26 will result in the answers filed by ASI, SPE, and Andrew Stroud being stricken and default
27 entered against them in the above captioned matters without further notice. Moreover, due to
28 their failure to respond to the OSC issued on October 31, 2012, and their inability to litigate due

1 to their lack of representation, or, in the case of Scarlett Stroud, her failure to demonstrate that
2 she is authorized to represent the Estate of Andrew Stroud on a *pro se* basis, the affirmative
3 claims by ASI, SPE, and the Estate of Andrew Stroud in the above captioned matters will be
4 dismissed for failure to prosecute without further notice.

5 Methven & Associates shall serve this Order on Andy Stroud, Inc., Stroud Productions
6 and Enterprises, Inc., and Scarlett Stroud as the representative of the Estate of Andrew Stroud
7 and file a proof of such service by no later than 9:00 a.m. on January 22, 2013.

8 **IT IS SO ORDERED.**

9
10 Dated: January 17, 2013


11 _____
12 JEFFREY S. WHITE
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28